

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Sherwin Hamilton

Case: 2:21-mj-30183

Assigned To : Unassigned

Assign. Date : 4/19/2021

Case No.

Description: RE: SHERWIN
HAMILTON (EOB)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 19, 2021 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

18 U.S.C. § 922(g)(1)

Offense Description

Felon in possession of a firearm

This criminal complaint is based on these facts:
see attached affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: April 19, 2021City and state: Detroit, Michigan
Complainant's signatureBrady W. Rees, Special Agent (ATF)
Printed name and title
Judge's signatureHon. David R. Grand, United States Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent Brady W. Rees, being first duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”). I am an “investigative or law enforcement officer of the United States” within the meaning of Title 18, United States Code, Section 2510(7), and I am empowered by law to conduct investigations and make arrests of offenses enumerated under federal law.

2. I have been an ATF Special Agent since January 2016, and I have had extensive law enforcement training, including at the Federal Law Enforcement Training Center in the Criminal Investigator Training Program and ATF Special Agent Basic Training. Prior to becoming an ATF Special Agent, I was a police officer with the City of Novi, in Michigan, for approximately three years. I also have a bachelor’s degree in Criminal Justice.

3. As an ATF Special Agent, I have authored numerous federal search warrants, federal criminal complaints, and federal arrest warrants.

4. As an ATF Special Agent, I have participated in numerous criminal investigations, including investigations involving firearms, armed drug tracking, and criminal street gangs. I am familiar with, and have experience using, a variety

of investigative techniques and resources, including physical and electronic surveillance, undercover and various types of informants, and cooperating sources.

5. I have personal knowledge or have been provided by other law enforcement officers with the facts set forth herein. I have not included each and every fact known to me concerning this investigation; rather I have set forth only the facts necessary to establish probable cause that Sherwin HAMILTON violated 18 U.S.C. § 922(g)(1), felon in possession of a firearm.

PROBABLE CAUSE

Criminal History

6. I reviewed a Computerized Criminal History (“CCH”) for HAMILTON that showed that, in 2019, HAMILTON was convicted of a felony offense for Receiving Stolen Property. As a result, I know that HAMILTON is prohibited under federal law from possessing firearms.

Instagram Posts of HAMILTON with Firearms

7. As part of this investigation, I have reviewed known images of HAMILTON, including, for example, the photograph of HAMILTON on his State of Michigan driver’s license. I have also conducted surveillance at HAMILTON’s residence of 6*** Plainview, Detroit, Michigan. Based on my review of these known images and observing HAMILTON personally during surveillance, I am able to identify HAMILTON as being in the social media posts described below.

8. I reviewed social media posts associated with the Instagram account “freeheadshot_krew” (the “Subject Account”) during March 2021. I observed that HAMILTON frequently appears in selfie-style images and videos on the Subject Account, suggesting that HAMILTON records and personally posts the images and videos on the Subject Account. Accordingly, based on my training and experience, I believe HAMILTON is an account user of the Subject Account.

9. On March 22, 2021 and March 23, 2021, I reviewed a series of videos, known as Instagram “Stories,” which were posted to the Subject Account. In these Instagram Stories, I observed suspected firearms. I was able to identify the make, model, and caliber on one of the suspected firearms—a black handgun with a suspected laser attachment—that HAMILTON is believed to be holding in the IG Stories. The firearm contained the markings, “Glock, 23, Austria, .40.” Based on this information and my training and experience, I believe the firearm to be a Glock, model 23, .40 caliber, semi-automatic pistol.

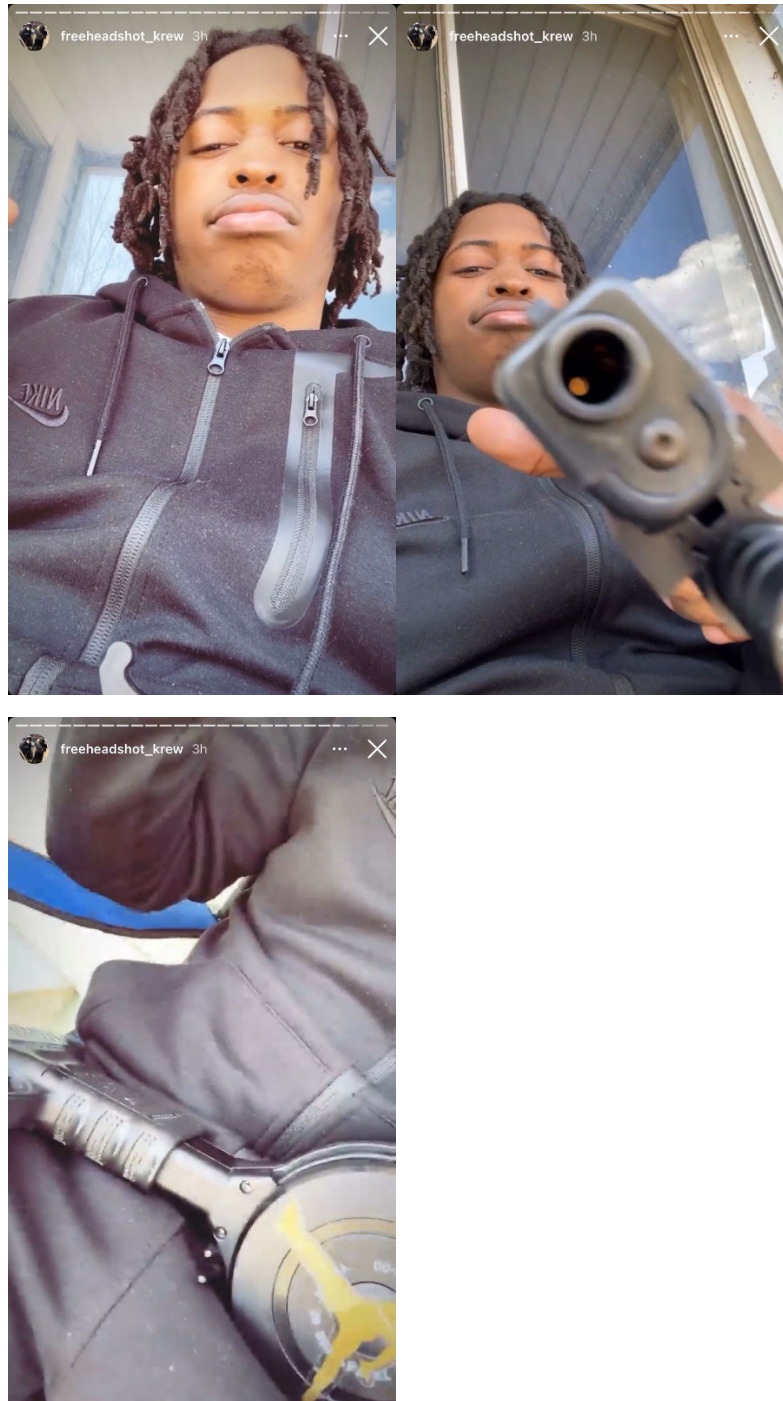
10. I also consulted with ATF Special Agent Michael Jacobs, an interstate nexus expert, who reviewed the referenced Instagram posts. Special Agent Jacobs advised me that he concluded based on his training and experience that a Glock, model 23, .40 caliber firearm would meet the federal definition of a firearm and would have been manufactured outside the state of Michigan.

11. The following are additional observations I made regarding what is depicted in the Instagram Stories posted to the Subject Account on March 22, 2020:

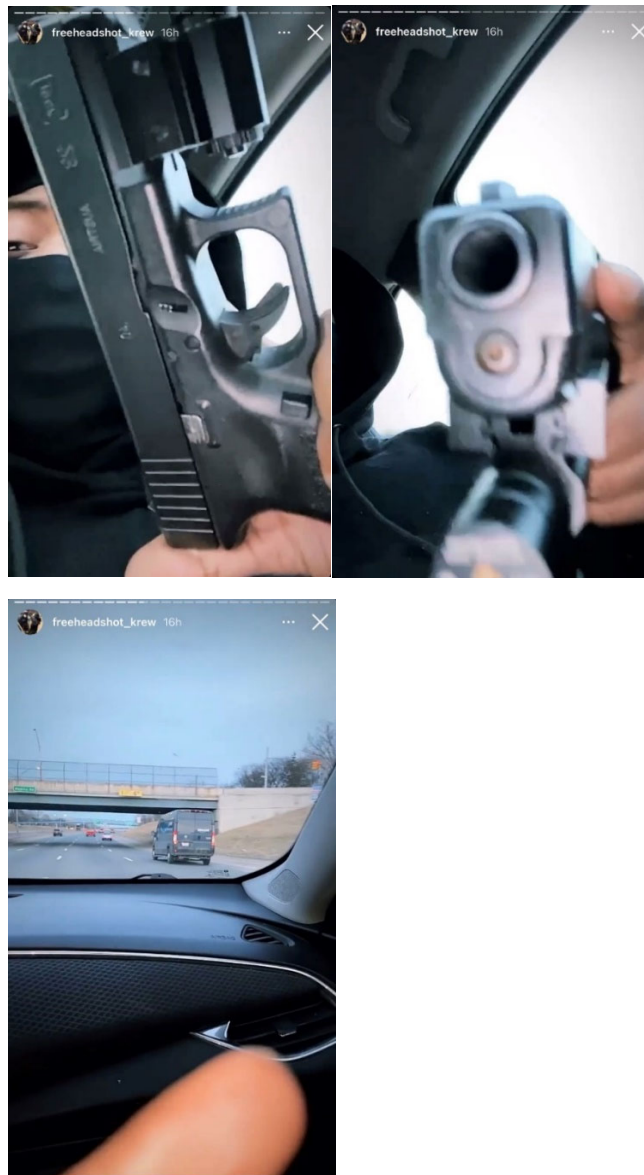
- a. In one of the stories posted at approximately 11:20 a.m., HAMILTON can be seen in possession of the above-referenced Glock, model 23, .40 caliber pistol. The video begins with HAMILTON, in a vehicle. HAMILTON picks up the firearm by the extended magazine. Snapshots from the video are included below.



- b. In another video posted to the Subject Account at approximately 2:00 p.m., HAMILTON appears to be sitting on a porch. HAMILTON points the firearm at the camera. HAMILTON also appears to be in possession of a high capacity drum magazine. Below are snapshots from the video.



- c. Additional Instagram “Stories” were posted to the Subject Account at approximately 7:30 p.m. In these videos, an individual believed to be HAMILTON can be seen holding a firearm, which appears to be the same Glock pistol, depicted above. Further, the street signs for I-96 and Meyers Road are observed. The intersection of Meyers Road and I-96 is located in the Eastern District of Michigan. Below are snapshots from the video.



12. In addition to the Instagram Stories, I reviewed a post from the subject account from March 19, 2021. In the post, HAMILTON is depicted in a residence, with what appears to be the same Glock pistol, with attached laser and high capacity drum magazine. The caption states, “I put 50 in da 23.” Based on my training and experience I believe “50” refers to the number of live rounds the high capacity drum magazine contains and “23” refers to the model of Glock pistol. Below are snapshots from the post:



*Execution of Federal Search Warrant at 6*** Plainview*

13. On April 14, 2021, ATF agents obtained a federal search warrant to search 6*** Plainview in Detroit, Michigan, which is in the Eastern District of Michigan.

14. On April 19, 2021, ATF agents and Detroit police officers executed the above-referenced federal search warrant at 6*** Plainview, Detroit, Michigan. HAMILTON was inside the residence when agents and officers executed the search warrant, along with two other adults and two small children.

15. In the search of the residence agents and officers recovered several items from the location including:

- a. One Glock, model 23, .40 caliber, semi-automatic pistol bearing serial number NRB764 (shown below), loaded with twenty-one rounds of .40 caliber ammunition in the upstairs loft area.



- b. One drum magazine, containing 37 rounds of .40 caliber ammunition, recovered from the trunk of a gray Chevrolet Malibu that was parked in the driveway of the residence. The characteristics of the recovered drum magazine are consistent with the drum magazine observed in the posts on the Subject Account on March 19, 2021, as shown above in paragraph 15, including the color, shape and general appearance.

16. The Glock pistol recovered during the search has similar characteristics to the suspected firearm that I observed HAMILTON to be holding in the above-referenced Instagram posts, such as the color of the firearm; the manufacturer, model, and caliber of the weapon; and the attached laser.

17. After receiving a *Miranda* warning, HAMILTON agreed to speak with agents. HAMILTON indicated the following:

- a. HAMILTON acknowledged that he is on probation for a felony conviction.
- b. HAMILTON denied that the recovered Glock firearm belonged to him.
- c. HAMILTON confirmed that he had been living at the residence for approximately one year and shared the upstairs bedroom/loft area with his wife, who was also present at the time of the search and indicated that the Glock, model 23, .40 caliber pistol did not belong to her.

18. A search in a law enforcement database of the serial number on the recovered Glock handgun, NRB764, confirmed that the serial number corresponds to a Glock, model 23 pistol, and indicated that the firearm was last registered in the State of Michigan in 2009. The registered address for firearm is not 6*** Plainview, Detroit, Michigan, and the registered owner was not present when the firearm was recovered, nor is the registered owner believed to live at where that address where the handgun was recovered.

19. ATF Special Agent Jacobs, a firearms interstate nexus expert, was given an oral description of the recovered Glock pistol. Based on the verbal description of the Glock firearm, without physically examining it, Special Agent Jacobs advised me that, based on his training and experience, the firearm meets the federal definition of a firearm and that it was manufactured outside the State of Michigan and therefore traveled in interstate and/or foreign commerce.

CONCLUSION

20. Based on the above facts, there is probable cause to believe that on April 19, 2021, while in the Eastern District of Michigan, HAMILTON, knowing that he had been previously convicted of a crime punishable by imprisonment for a term exceeding one year, possessed a Glock, model 23, .40 caliber, semi-automatic pistol, in violation of 18 U.S.C. § 922(g)(1).

Respectfully submitted,



Brady W. Rees, Special Agent
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Hon. David R. Grand
United States Magistrate Judge

Dated: April 19, 2021